

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JAMES A. BATTLE,	)	
	)	
Plaintiff,	)	CASE NO. C10-5410-RSM-MAT
	)	
v.	)	
	)	ORDER DENYING REQUEST FOR
POLICE CHIEF DAVID HAYNES, <i>et al.</i> ,	)	APPOINTMENT OF COUNSEL
	)	
Defendants.	)	
_____	)	

This matter comes before the Court on plaintiff's request for appointment of counsel. The Court, having reviewed plaintiff's request, defendants' response thereto, and the balance of the record, does hereby find and ORDER as follows:

(1) Plaintiff's request for appointment of counsel (Dkt. No. 17) is DENIED. There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the Court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in forma pauperis*, the Court may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984); *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional

01 circumstances requires an evaluation of both the likelihood of success on the merits and the  
02 ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues  
03 involved. *Wilborn*, 789 F.2d at 1331.

04 Plaintiff has neither demonstrated a likelihood of success on the merits nor shown that,  
05 in light of the complexity of the legal issues involved, he is unable to articulate his claims pro se.  
06 Thus, plaintiff has not demonstrated that this case involves exceptional circumstances which  
07 warrant appointment of counsel at the present time.

08 (2) The Clerk shall direct copies of this Order to plaintiff, to counsel for defendants,  
09 and to the Honorable Ricardo S. Martinez.

10 DATED this 18th day of October, 2010.

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13 Mary Alice Theiler  
14 United States Magistrate Judge  
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